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Chairman: Mr. Galuška ..... (Czech Republic)

Contents

Agenda item 114: Elimination of racism and racial discrimination

Agenda item 115: Right of peoples to self-determination

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The meeting was called to order at 10.10 a.m.

Agenda item 114: Elimination of racism and racial discrimination (A/54/18, A/54/98, A/54/299 and A/54/347)

Agenda item 115: Right of peoples to self determination (A/54/98, A/54/118-S/1999/633, A/54/326 and A/54/327)

1. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that 19 States had acceded to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Pursuant to article 19, the Convention would enter into force following the date of deposit of the twenty-second instrument of ratification. He invited States which had not done so thus far to accede to the Convention or to ratify it as soon as possible, since the entry into force of the Convention would help to fill the current legal void and to combat mercenary activities more effectively.

2. During the past year he had visited the United Kingdom to study the question of private companies offering military security internationally and Cuba to investigate reports of mercenary attacks on tourist facilities. Since the report on Cuba was still in preparation he would confine his comments to his visit to the United Kingdom.

3. Taking advantage of legal gaps and ambiguities, private security and military assistance companies were proliferating and were intervening in areas where States were vulnerable owing to lengthy armed conflicts and the inability of Governments to assert their authority. The United Kingdom Government officials with whom he had spoken had expressed the view that the provision of democracy and human rights training to the armed forces and police of those States would lead to a reduction in the number of human rights violations, the gravity of the conflicts and recourse to the security services and military assistance which private companies were offering in the international market. They had, however, emphasized the need to draw a clear distinction between companies which recruited mercenaries and regular security companies providing legal and legitimate services. The report concurred with that view, proposing the adoption of clear rules and the constant monitoring of the companies in question by specialized public institutions.

4. The case of Sierra Leone, where military security companies had conducted operations, demonstrated that regional machinery to protect democracy and human rights should be established as well as national rules. Although regional machinery was based on clear norms, private companies were motivated by interests which could militate against peace, democracy and respect for human rights.

5. The United Kingdom government officials had unequivocally condemned mercenary activities, stating that they could jeopardize the peace, independence and prosperity of various countries, especially in Africa. If military security companies committed illegal acts under English or international law, the officials stated, their actions would be prosecuted and they would be brought to trial.

6. The meetings which he had held with non-governmental organizations and academic bodies had been equally productive for the purposes of his report (A/54/326).

7. When companies hired mercenaries to commit acts recognized as illicit by national and international law, it was not only the responsibility of the mercenaries that was compromised but also that of the companies. Thanks to his interviews in the United Kingdom, the Special Rapporteur had become further convinced of the danger inherent in the lack of State regulation of companies offering military advice and assistance and the lack of rules specifying clearly the activities which such companies were entitled to carry out and the activities which were the sole responsibility of the State. Freedom of enterprise was compatible with the principles of self-determination of peoples, State sovereignty and respect for human rights. What could not be tolerated was the constitution of private armies and privatization of warfare, which would relieve States of their obligation to uphold peace and defend life. Private companies should be made aware that they could not recruit mercenaries to intervene in matters within the jurisdiction of a State. The regulatory provisions or machinery should prohibit the recruitment and formation of armed bands constituted by mercenaries.

8. The General Assembly should bear in mind that, by offering military advice and assistance, unregulated companies were endangering the security of nations. Unless it was prepared to see its own legal foundations undermined, the international community could not accept a situation in which the world market operated unregulated in peacekeeping activities that were the responsibility of international organizations, such as the United Nations, or regional bodies. It would also be desirable for the General Assembly to renew its invitation to the United Nations High Commissioner for Human Rights to disseminate information on the adverse effects of mercenary activities on the

enjoyment of human rights and to convene an expert meeting to examine that issue.

9. **Ms. Stamatopoulou-Robbins** (Deputy Director, Office of the United Nations High Commissioner for Human Rights, New York Office), reading out the introductory statement of the Special Rapporteur of the Commission on Human Rights on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, who was unable to be present for reasons beyond his control, said that in view of the many cases on five continents people of conscience must take a stand against the upsurge of xenophobic forces and promoters of ethnic and racial hatred. A case in point was the rise of a party in Austria proclaiming xenophobic and anti-Semitic views. The expansion of racist propaganda was also being pursued on the Internet, where there were anti-black, anti-Arab and anti-Semitic Web sites.

10. The Special Rapporteur had earlier proposed that an international meeting should be convened to consider the issue. Commendable initiatives had already been taken by Canada, France, Germany, the Netherlands and Sweden.

11. The Special Rapporteur was particularly concerned about the fate of victims of racial discrimination, such as the Aborigines in Australia. He had invited the Government of Australia to initiate a review of the legal provisions limiting the access of Aborigines to land ownership or cancelling their documents of title. He trusted that the Aborigines would be brought into the decision-making process in matters of concern to them.

12. The Special Rapporteur was also taking an interest in the situation of the untouchables (*Dalits*) in India. Although the Government of India had adopted numerous legislative and constitutional measures to safeguard their rights, they had still to contend with the resistance of individuals who profited by the caste system.

13. According to the reports available to the Special Rapporteur, the Roma, also known as Gypsies, were a vulnerable minority in almost all European countries. Accordingly, the Special Rapporteur had visited the Czech Republic, Romania and Hungary and had found that, although problems subsisted, action had been taken in each of those countries to facil tate the integration of the Roma, while respecting their cultu-al identity.

14. In the Czech Republic, the change in the economic and political regime had resulted in a deterioration in the living conditions of the Roma who had found themselves unemployed because they lacked the skills necessary to meet the needs of the market. Furthermore, they were the victims of age-old prejudice, and their culture seemed to some people irreconcilable with that of the majority. Discriminatory measures, particularly in respect of education, and violent acts against the Romany communities had been brought to the Special Rapporteur's attention.

15. In the face of that situation, the Czech Government had defined a strategy designed to promote integration of the Roma in the education system. At the institutional and legislative levels, measures had also been taken to implement the strategy of integration and to suppress all forms of discrimination.

16. The Special Rapporteur had encouraged the communities to make an effort to draw closer to one another and had invited the Government to stop the segregation of Romany children at school. He had also urged the Government to expedite the adoption of legislation, based on the Model National Legislation for the Guidance of Governments in the Enactment of Further Legislation against Racial Discrimination prepared by the United Nations, to provide for penalties for racial discrimination. Finally, he had encouraged the authorities to plan cultural exchange programmes so as to enable the Roma and the majority population to draw closer to one another.

17. In Romania there was also evidence of prejudice against the Roma. Although there was a Romany elite, who were comfortably off, the majority of that population was extremely poor, socially marginalized and discriminated against and the press often used offensive language when referring to it. The police, who had helped eliminate collective violence against the Roma, sometimes used excessive force in their relations with that population.

18. The Government had drawn up a legislative and institutional framework to integrate the national minorities, including the Roma. It had also launched a major human rights education programme which was directed at government officials and at the general public and which guaranteed the Roma and other minorities education in their own language.

19. The Special Rapporteur had urged the Government to take steps, focusing on the media, to prevent denigration of the Roma, to better associate the Romany communities in decision-making on matters of concern to them and to pursue efforts to change the outlook of government agents.

20. In Hungary also, the change in the economic and political regime had left the Roma with few opportunities because of their lack of qualifications. Added to that was the persistence of prejudice, discrimination, police violence and segregation of Romany children at school.

21. The Hungarian Government had taken steps at the institutional, constitutional and legislative level to protect the rights of minorities and to enable the latter to manage the affairs that concerned them. It had established public foundations to support its action in favour of better integration of minorities and had instituted courses on human rights and gypsy culture in the police academy. Programmes presenting various aspects of gypsy culture were broadcast on the radio and on television.

22. The Special Rapporteur had urged the Hungarian Government to introduce more effective penalties for racist crimes or acts, to adopt legislation patterned on the Model National Legislation prepared by the United Nations, to stop the segregation of gypsy children at school and to intervene with local authorities to promote better integration of the gypsy communities.

23. Concerning earlier missions, it should be pointed out that, as a result of his recommendations, the French Government now had a sizeable legislative arsenal establishing penalties for racism, had overhauled the immigration laws and had eased the granting of entry visas to France to persons from the "South". In addition, the procedure for reviewing the cases of persons detained in holding centres and the conditions for expulsion were more in line with human rights.

24. The United Nations would have to pursue the battle against discrimination by every means at its disposal. The World Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance should make it possible to define new and more effective strategies.

25. **Ms. Stamatopoulou-Robbins** (Deputy Director, Office of the High Commissioner for Human Rights, New York Office) said that eliminating racism and combating racial discrimination remained one of the challenges for the United Nations system. The 21 State reports which the Committee on the Elimination of Racial Discrimination had considered during the past year, showed that racial discrimination and ethnic divisions persisted, sometimes with alarming and dramatic consequences. The Committee had also considered the situation in a number of States parties under its "prevention procedure" which was aimed at preventing existing problems from escalating or responding to problems requiring immediate attention. In the framework of those procedures it had adopted five substantive decisions regarding Australia, the Democratic Republic of the Congo, Rwanda, Sudan and the Federal Republic of Yugoslavia in respect of Kosovo and two statements regarding the human rights of the Kurdish people and the situation in Africa.

26. Delays in reporting by some States parties created obstacles both to the Committee's monitoring role and to the effective implementation of the Convention in the States concerned. The Committee had therefore continued its practice — first adopted in 1991 — of considering the situation in such countries on the basis of the last report submitted by the State party or, in the absence of any previous report, documents from other United Nations sources. While that procedure was useful it did not purport to be a substitute for the type of in-depth examination which took place when there was a comprehensive, up-to-date report.

27. With regard to the preparations for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, the Committee was represented in the Commission on Human Rights working group to review and formulate proposals for the preparations for the Conference; at its fifty-fifth session it had adopted a decision containing suggestions and recommendations for the ongoing work.

28. Since the last session of the General Assembly, four new States had ratified the Convention (Georgia, Indonesia, Lithuania and South Africa); although the Convention was among the most widely ratified international human rights instruments, major efforts were still needed to make it universal and to provide individuals or groups of persons the possibility of submitting complaints under article 14. Currently, that was permitted by only 28 States and the Committee's work in that area remained very limited (only 17 cases had been registered and only 10 final decisions had been taken to date).

29. Turning to the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, she said that the racism project team at the Office of the High Commissioner for Human Rights was coordinating the activities of the Third Decade. The High Commissioner had sought the resources necessary in the context of the proposed programme budget for the biennium 2000-2001, but the contributions by States, international organizations and non-governmental organizations to the Trust Fund for the Programme of Action were not sufficient.

30. The Commission on Human Rights had been designated by the General Assembly to function as the Preparatory Committee for the future World Conference against Racism. Two meetings were planned, one in May 2000 and the other in May 2001. The Conference would be held after the second preparatory meeting and before the fifty-sixth session of the General Assembly. In conformity with General Assembly resolution 52/111, the main

objectives of the World Conference against Racism would be to review the progress made in the fight against racism and xenophobia; ensure respect for existing norms and instruments; sensitize public opinion; formulate recommendations on ways of increasing the effectiveness of the United Nations in that area; review the variety of factors that led to racism and xenophobia; to formulate recommendations on the adoption of additional measures at all levels to combat racism and xenophobia; and formulate recommendations to ensure that the United Nations had the financial resources necessary to combat racism and xenophobia. The Office of the High Commissioner for Human Rights was actively involved in the preparatory process of the Conference, specifically, the first Preparatory Committee meeting. Activities in that regard included a study by the Secretary-General on economic factors contributing to the perpetuation of racism, xenophobia and other forms of discrimination; the preparation by the Office of the High Commissioner of a report on progress made in the fight against racism and racial discrimination; several research projects and studies requested by the Commission on Human Rights; the opening of an Internet site on the Conference; and the organization in Geneva, under the auspices of the High Commissioner, of a seminar on racism, refugees and multi-ethnic States in December 1999, and a regional seminar on procedures for recourse for victims of racist acts and on relevant national practices in late January or early February 2000. The Office had also contacted the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance regarding a study on preventive measures relating to ethnic, religious and xenophobically-motivated conflict, which would be presented at the first session of the Preparatory Committee. It had also entered into consultations with several non-governmental organizations and had prepared public consciousness-raising and information campaigns. The regional preparatory meetings for the World Conference organized at the request of the General Assembly and the High Commissioner for Human Rights were the key elements in the world information campaign to sensitize public opinion and realize the objectives of the World Conference. The Office of the High Commissioner had been represented at the first two preparatory meetings of the European Conference to be held in Strasbourg in the year 2000. Regional meetings would also be held in Africa, Latin America, Asia and Eastern Europe. The themes proposed by the Committee on the Elimination of Racial Discrimination for inclusion in the Conference's agenda included: factors which tended to perpetuate racism (historical, economic, social, cultural, psychological); the impact of economic globalization on the resurgence of manifestations of racism; ethnic conflicts and their prevention; the prevention of racial discrimination through education; recourse mechanisms and reparation of wrongs; international mechanisms for implementing the International Convention on the Elimination of All Forms of Racial Discrimination; steps to suppress speeches inciting hatred and to promote tolerance in the age of the Internet.

31. **Mr. Schalin** (Finland), speaking on behalf of the European Union, said that the Union shared many of the concerns expressed in the report of the Special Rapporteur on the question of the use of mercenaries (A/54/326). The European Union was concerned at the impact of mercenary activities on the duration and nature of armed conflicts and firmly condemned the involvement of mercenaries in terrorist activities. First, he wanted to know whether the Special Rapporteur had been able to update the information concerning Colombia, Costa Rica or El Salvador, or whether the information covered periods prior to the reporting period. Secondly, concerning new forms of mercenary activities, he wondered whether it was companies providing security services that were increasingly undertaking that type of criminal activity, or whether it was mercenaries seeking a kind of legitimacy by claiming to be employees of such companies. The Special Rapporteur should indicate how he saw the situation evolving. Thirdly, he wished to know whether the definition of the term "mercenary" or "mercenary activities" had been raised, and how such a definition would take into account the question of human rights and international human rights law. Lastly, the Special Rapporteur should indicate whether he had noted an encouraging trend since his previous report to the Commission on Human Rights.

32. **Mr. Wenaweser** (Liechtenstein) said he believed that the Special Rapporteur had referred in 1998 to the terrorist attacks in Dar es Salaam and Nairobi. He wondered whether the Special Rapporteur could comment on Security Council resolution 1269 (1999) adopted on 19 October 1999, concerning, *inter alia*, the extradition of persons suspected of acts of terrorism. The Sixth Committee of the General Assembly was expected to adopt by the end of 1999 a convention on the financing of terrorism. That instrument would penalize the financing of certain acts covered by conventions already adopted by the United Nations, which were listed in the annex to the draft. Some delegations had expressed the view that the International Convention against the Recruitment, Use, Financing and Training of Mercenaries should be included in that annex. The view of the Special Rapporteur in that regard would be appreciated.

33. **Mr. Alaei** (Islamic Republic of Iran) welcomed the fact that the Office of the High Commissioner for Human

Rights had taken so many initiatives in order to prepare for the World Conference against Racism. He asked whether the Office would be prepared to provide financial support for the preparatory meetings.

34. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that, since the questions he had been asked required detailed answers, he would supplement his oral replies with more detailed written replies.

35. Replying to the question of the delegation of Finland, he noted that he was eager to visit Sierra Leone and had been trying for two years to organize such a visit, because he hoped that the settlement of the situation in that country would make it easier for him to undertake field work. He also hoped to be able to better coordinate his efforts with those of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, so as to be able to schedule a visit to that country, since his mandate required him to visit the African countries that were most affected by mercenary activities. Unfortunately, because of the lack of communications and resources, it was not always possible to schedule many field visits during a given budget year. He hoped, however, that at least two visits could be organized in 2000.

36. The information provided in the reports was always obtained from direct contacts with Governments, field visits or internationally recognized non-governmental organizations.

37. The representative of the European Union had referred to the new phenomenon of companies that sold security services and very often hired mercenaries. Some of those companies might even form fully armed units of up to 500 men. Obviously, such enterprises were quite different from the perfectly legitimate private security companies that had been established in many locations and whose activities were subject to police regulations governing the types of arms they used and the services they could provide. There were also companies that offered advisory and training services in the military field whose legitimacy could not be questioned, since they operated within the normal framework of the generally recognized security principles of each country. There was mercenary activity when companies of that type took advantage of the weaknesses of States affected by armed conflicts to offer their services and intervene directly in such conflicts. In the case of Sierra Leone, a serious mistake had been made when the Military Observer Group of the Economic Community of West African States (ECOMOG) had not been allowed to intervene more directly and private enterprises had been left to establish armed units and secure shares in the country's rich mineral resources. A distinction should be drawn between national interests for which the State was responsible, and the interests of a private company which took advantage of the situation in a specific country in order to reap the greatest possible benefits.

38. Such enterprises prospered because they took advantage of legal loopholes. A total prohibition would penalize legitimate enterprises and was therefore undesirable. On the other hand, the functioning of that sort of company had to be regulated. There was a complementary need to strengthen the regional and international mechanisms for peace, particularly in order to render as much assistance as possible to States weakened by armed conflict in order to prevent their being tempted by false solutions and resorting to the use of private security companies that recruited mercenaries. Finally, it was possible for mercenaries to attempt to legitimize their presence in a conflict by means of such companies, which guaranteed them a relatively stable income.

39. With regard to formulating a definition of the concept of a mercenary, the Special Rapporteur had had a number of opportunities since his appointment to emphasize that the conceptual loophole in international law in that area made his task particularly difficult. The definition contained in the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), was totally inadequate. States could first accede to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries, and ratify that instrument. Many States had raised objections in that regard, particularly with respect to the first article, whose provisions appeared merely to repeat those of article 47 of the Protocol Additional, but which contained much more explicit provisions. For example, in condemning all types of recruiting and financing activities, it extended responsibility for mercenary acts to third parties, which was sufficient in itself to dissuade companies tempted to recruit mercenaries from doing so. Adopted 10 years previously, that Convention had only been ratified by 19 States. It needed three more ratifications in order to enter into force. The second alternative would be to call a meeting of experts, who would conduct a thorough study of the mercenary phenomenon and propose concrete measures to limit the temptation to resort to the use of mercenaries. A General Assembly recommendation along those lines had not always been applied. Many Governments were beginning to recognize the question's importance, especially from the point of view of human rights, which had been the case at the time of the Special Rapporteur's visit

to the United Kingdom of Great Britain and Northern Ireland. Senior British officials had acknowledged the need to formulate more effective international instruments in order to end mercenary activities.

40. With regard to the resolution recently adopted by the Security Council, the Special Rapporteur said that he needed more information before he could reply to the question that had been posed by the representative of Liechtenstein. Concerning the draft convention on the financing of terrorism envisaged by the Sixth Committee and the question of whether the Convention against Mercenaries should be included in its annex, he said that the latter Convention should first enter into force, as it seemed unwise to include in the annex to the proposed convention a document that had only been approved as a convention by the General Assembly. Moreover, there were close links between terrorism and mercenary activities, and it was not uncommon that terrorist acts were committed by mercenaries. If terrorism were to be condemned, its financing should also be condemned, and one could be led to conclude, by researching the sources of financing, that a terrorist act had been committed by a mercenary. The two conventions were thus mutually indispensable, and complemented each other in ensuring better protection for human rights in the world.

41. **Ms. Stamatopoulou-Robbins** (New York Office of the United Nations High Commissioner for Human Rights), responding to the representative of the Islamic Republic of Iran, said that in its resolution 52/111, the General Assembly had cited the financial implications of the World Conference. Nevertheless, the resources provided at the time covered only the expenses relating to two meetings of the preparatory committee in 2000 and 2001, the three-day ministerial meeting that would precede the Conference, and the holding of the Conference itself. The activities based on resolutions adopted subsequently had thus not been taken into account. Contributions to the voluntary fund were insufficient to cover all expenses. The Office of the High Commissioner hoped to provide technical assistance in the form of documents and expert services to the regional conferences, which constituted a central element in the preparatory process. However, more voluntary contributions would be needed in order to provide them with solid support. In that regard, the Office of the High Commissioner had drawn up a detailed activities plan indicating the resources needed. A small secretariat had been set up thanks to a contribution from the Ford Foundation. Other foundations had also expressed a desire to participate in the process. The High Commissioner was closely following the question and would inform delegations as soon as resources became available.

42. **Mr. Theuermann** (Austria) said that he regretted the absence of the Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, whom he would have requested to clarify certain statements regarding Austria contained in his report (A/54/347). Austria was a stable democracy where social peace reigned and which had welcomed and integrated many foreign population groups, including Balkan refugees. The Austrian delegation was particularly interested in the report's emphasis on the question of the Roma and was of the view that a connection should be made with the work done on that question within the framework of the Organization for Security and Cooperation in Europe (OSCE).

43. With regard to the recommendations contained in the report (A/54/326) of the Special Rapporteur on the question of the use of mercenaries, he asked the Special Rapporteur what kind of technical assistance services he hoped to receive from the Office of the High Commissioner for Human Rights, and what organs of the United Nations or other bodies currently provided or could provide such assistance.

44. **Mr. Bernales-Ballesteros** (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries) said that the advisory assistance in question had been mentioned in a General Assembly resolution. There was a special need to assist countries affected by armed conflicts or emerging from conflict situations to strengthen their security organs (police and army) and ensure sound training aimed at consolidating democracy and respect for human rights, in order to prevent their falling back into situations of insecurity which mercenaries could take advantage of to interfere in their internal affairs. A group of experts could further study the question, as demobilized soldiers were often unemployed and might be tempted by mercenarism. Other bodies that could provide technical assistance included the European Union, the Organization of American States (in the case of Latin America) and the Organization of African Unity (which had drawn up a convention against mercenarism), all of which could play a guiding role in combating the financing of mercenarism.

45. **Mr. Farrar** (United States of America), speaking on agenda item 114, said that while racism had not disappeared in the United States, the fundamental rights of the population were better and better guaranteed. President Clinton's Initiative on Race, issued as an Executive Order on 13 June 1997, had given rise to studies and a constructive dialogue to make the United States of the twenty-first century a diverse and democratic society in which differences were respected and even celebrated.

46. Recognizing the vital importance of international action to end racism, the Government of the United States supported the activities of the Third Decade to Combat Racism and Racial Discrimination and efforts to encourage legal reforms that played an essential role in eliminating racially discriminatory practices. The results of United Nations activities in the area of training staff responsible for preparing national legislation to combat racism and racial discrimination had been encouraging. Given the worldwide nature of racism, the United States encouraged the Special Rapporteur to make a special effort to investigate all regions of the world.

47. To eradicate racism and xenophobia, countries must continue their national efforts, supporting each other and sharing information. The United States delegation would work with the Secretary-General, the Office of the High Commissioner and others to develop a well-balanced agenda for the World Conference against Racism to be held in 2001. It preferred conferences of the type envisaged to be held in headquarters cities, thereby enabling the United Nations and delegations to realize significant savings. Rather than a finger-pointing exercise, the Conference should highlight best practices so that all could learn from each other.

48. **Mr. Kumalo** (South Africa), speaking on agenda item 114 on behalf of the Southern African Development Community (SADC), paid tribute to the memory of President Nyerere of the United Republic of Tanzania, a founding father of the Community. Southern Africa, which had experienced apartheid, the most brutal institutionalized form of racism and injustice, currently presented to the world a beacon of hope, prosperity and peaceful coexistence. SADC was nevertheless concerned about more subtle forms of racism expressed through messages of hatred on the Internet, and it deplored the rising tide of xenophobia and the existence of discriminatory immigration policies. It therefore supported the recommendations of the Special Rapporteur that preparations for the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance should include research activities and consultations on the use of the Internet to combat racial hatred and to prepare a programme of human rights education in order to promote a culture of peace and non-violence. His delegation joined the Special Rapporteur in congratulating Governments which had already taken administrative and legislative measures to prosecute acts of racism, racial discrimination and xenophobia and Governments which were addressing those problems through appropriate educational programmes in schools and vocational training institutions and through the mass media.

49. SADC would like the High Commissioner for Human Rights to explore further the question whether globalization had increased the incidence of racism or caused a resurgence of the phenomenon of racism as a whole.

50. SADC would like the World Conference against Racism to consider the political, social, historical, economic and cultural basis of racism in order to be able to design a multi-pronged programme of action. It therefore emphasized the importance of the participation in and contribution to the preparatory process of all the major actors. Adequate resources should be provided in a timely fashion to ensure maximum participation, an international publicity campaign should be launched forthwith and national or regional structures should be established to alert the public to the importance of the World Conference and the subject it dealt with.

51. South Africa had offered to host the World Conference in 2001, provided that the United Nations was prepared to shoulder the material and financial burden.

52. **Mr. Schalin** (Finland), speaking on behalf of the European Union, the central and eastern European countries associated with the European Union, Cyprus, Malta and Iceland, said that a comprehensive approach to racism was required since all forms of racial discrimination stemmed from the same root, had the same characteristics and were equally unjustified. Intolerance laid the foundation for conflict and violence. The rights of persons belonging to minorities (especially minority women, who were doubly marginalized) had to be respected and protected and such persons should be guaranteed effective participation in the decision-making that affected them. It was also important to safeguard economic, social and cultural rights on an equal basis for all, thereby promoting tolerance, equality, social cohesion and stability. The European Union was committed to fighting racism and racial discrimination both through the national policies of its 15 member States and through the concerted action of the Union. It had adopted concrete measures to fight discrimination practised against vulnerable groups (migrants, refugees and minorities). The entry into force of the Amsterdam Treaty in May 1999 had strengthened the position of human rights in the European Union, which was continuing to develop a legal framework for non-discrimination and to support the action of non-governmental organizations (NGOs) through assistance programmes. When a country applied for admission, the European Union reviewed measures which could help to counter racism within that country's borders. The Union Monitoring Centre on Racism and Xenophobia had established a network of information on racism, which could be used by NGOs and academic experts. It also encouraged

the organization of round-table seminars to step up the dialogue among different groups.

53. Aware that racism persisted in Europe, the European Union appreciated the work being done by regional organizations such as the Council of Europe and the Organization for Security and Cooperation in Europe. It underlined the importance of coordination between all actors in that field. The conventions prepared by the Council of Europe and their mechanisms, most notably the European Convention on Human Rights, provided a solid legal framework. The Council of Europe had recently established the post of Commissioner for Human Rights. Another important development had been the entry into force in 1998 of the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The European Commission against Racism and Intolerance examined the legislation, policies and other measures of member States and formulated recommendations. The European Union underlined the importance of ensuring full respect for the human rights of the Roma population and the full participation of the Roma in policies and programmes affecting them.

54. The commitment of the Organization for Security and Cooperation in Europe (OSCE) to counter racism was well reflected in the Copenhagen Document (1990), which highlighted the rights of national minorities, and by the efforts of the Office for Democratic Institutions and Human Rights, the High Commissioner on National Minorities and the Representative on Freedom of the Media, together with the Human Dimension Review Conference convened by OSCE.

55. As racism was worldwide, international instruments, such as the Convention on the Elimination of All Forms of Discrimination, which had 155 States parties, played a crucial role. The European Union urged all States which had not yet ratified the Convention to speed up their efforts to do so as part of their national preparations for the World Conference against Racism. It pledged its support to the Committee on the Elimination of Racial Discrimination, which was doing valuable work by monitoring the implementation of the Convention. In emphasizing the importance of the national reporting process and the individual complaints procedure, it again stressed that the Committee could not perform its work effectively without adequate financial resources. The Committee's efforts to respond to serious violations of the Convention requiring immediate attention and urgent action were of particular interest. The Committee should also be commended on the measures taken to improve its working methods, a reform which the European Union hoped would be pursued.

56. The European Union fully endorsed the aims of the Third Decade to Combat Racism and Racial Discrimination. It reiterated its support for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and called on him to pay special attention to conditions in those countries which had not yet acceded to the Convention and to the obstacles preventing them from doing so. It also welcomed the establishment of a racism project team in the Office of the United Nations High Commissioner for Human Rights.

57. The European Union believed that the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance would become a strong mobilizing factor in the global struggle against those problems. In Europe, the Council of Europe was in charge of the preparations for the Conference, in which the European Union of course intended to take an active part. The process would culminate in October 2000 in a European conference in Strasbourg under the title "All Different, All Equal: From Principle to Practice".

58. Non-governmental organizations were doing essential work in sensitizing national public opinion; they would also have an important role to play in disseminating the conclusions of the Conference and promoting follow-up. That meant that they themselves must participate in the Conference and in its preparatory and follow-up phases.

59. The European Union welcomed the additional voluntary contributions made available to the United Nations High Commissioner for Human Rights as Secretary-General of the Conference, and encouraged States to consider providing further funding.

60. It was not enough for Governments to refrain from racist or discriminatory practices; they also had an obligation to take action to eliminate racial discrimination through various legal and administrative measures, but also and above all through education and awareness-raising.

61. With regard to agenda item 115, the right to self-determination was well established internationally because it figured prominently in the Charter of the United Nations and in the International Covenants on human rights and the Vienna Declaration and Programme of Action. It was essential that everyone, including minorities and indigenous peoples, could fully participate in public life. The European Union urged States to strengthen democratic institutions, democratic governance and democratic electoral systems. Through technical assistance and advisory services, the international community and civil society could play an important role in supporting those efforts. Holding free elections by secret ballot and universal suffrage was one of

the preconditions for the implementation of the right of peoples to self-determination. It was imperative that the results of elections should be respected and that elected representatives be allowed to perform their duties freely. The European Union welcomed all attempts to obtain electoral assistance from the United Nations and other organizations.

62. **Mr. Ka** (Senegal), speaking on agenda item 115, said that in order to deal with the new forms of racism and discrimination, a symptom of the fragility of civilization, people must come together to reflect on how to build an open and tolerant society for all ages, all traditions, all cultures and all religions. From that point of view, his delegation deplored the scant interest in the Third Decade to Combat Racism and Racial Discrimination and the small number of activities organized during the period 1994-1998. Like the High Commissioner for Human Rights, Senegal believed that sufficient resources must be allocated to the Decade to ensure the coordination of scheduled activities. Similarly, the financial situation of the Trust Fund for the Programme of Action for the Third Decade had to be improved.

63. The report of the Working Group of the Commission on Human Rights (E/CN.4/1999/16 and Corr.1-2), whose remarkable work Senegal appreciated, would serve as a basis for considering substantive and procedural questions involving the World Conference to be held in 2001.

64. If it was not to be exclusionary, the World Conference against Racism must be open to all intergovernmental and non-governmental organizations and other actors in civil society. Serious emphasis must be placed on education and consciousness-raising, on the use of modern communications technologies, especially the Internet, in order to mobilize national and international public opinion in support of the objectives of the Conference; and due attention must also be given to the question of adequate funding for the Conference, a condition for its success. The agenda of the World Conference should include in particular items on the international machinery for implementing the International Convention on the Elimination of All Forms of Racial Discrimination, and on the progressive development of racial discrimination, the historical, economic, social, cultural and psychological factors that helped perpetuate racism throughout the world, the treatment of migrants, refugees, asylum-seekers and the disabled, ethnic conflicts and the prevention of racial discrimination through education and training, the available remedies and the mechanisms for reparation or compensation in cases of racial discrimination, the promotion of a culture of tolerance and a fruitful dialogue among civilizations and religions, and the information technology revolution and its use for non-racialist purposes. His delegation would return to those various points during the meetings of the Preparatory Committee during 2000 and 2001.

65. Senegal formally supported the offer made by South Africa to host the World Conference in 2001, because to convene it in that part of the world would have a symbolic value.

66. **Mr. Amorós Núñez** (Cuba), referring to agenda item 114, said that racism was manifesting itself in new and more disquieting and insidious forms, especially in the developed world. Intolerance and discrimination against immigrants were compounding discrimination against racial and ethnic minorities. Immigrants were victims of verbal and physical violence on the part of extreme right-wing militant movements but also of institutional racism on the part of increasingly repressive police forces. In some countries, they, like their children, were denied health care and basic education.

67. In his report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/54/347), the Special Rapporteur noted a troubling increase in such manifestations in most of the industrialized countries. Political parties founded on racial exclusion were gaining ground and were putting themselves forward as serious candidates for public office, taking advantage of the fear and despair caused by globalization, the identity crisis and social exclusion. The Internet was being used to incite racism. The elaboration of a code of conduct for Internet users and providers could therefore no longer be put off, especially since the Committee on the Elimination of Racial Discrimination had stated in its general recommendation XV that it was legitimate to prohibit the dissemination of ideas founded on racial superiority or hatred.

68. It was therefore inconceivable, given the situation, that the Special Rapporteur had not had the human and financial resources he needed for his efforts to combat those scourges, and that some States had not cooperated with him. Funds for his work should be provided from the regular budget, not only because of the importance of the question but also in view of the reticence of donors, who were attracted by other issues even though they were less important. Cuba believed that the World Conference in 2001 should aim to formulate measures to intensify the struggle against racial discrimination and exclusion the world over. It supported South Africa's offer to host the Conference, and would take an active part in the preparatory work in order to ensure its success.

69. **Ms. Martinez** (Ecuador) said that she welcomed the work carried out by the Committee on the Elimination of Racial Discrimination, especially its efforts on behalf of the

World Conference against Racism, Racial Intolerance, Xenophobia and Related Intolerance. The Ecuadorian delegation took note of the aptness of the recommendations and decisions adopted by the Working Group.

70. Ecuador had ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1965 and the International Convention on the Suppression and Punishment of the Crime of Apartheid in 1973, and had signed various other international conventions guaranteeing the rights of racial and ethnic groups. Its Constitution recognized the multicultural nature of Ecuadorean society, and the Government was committed to preserving and promoting the cultural legacy of the diverse ethnic groups as well as to implementing laws and regulations adopted with a view to ensuring the rights of all citizens.

71. The holding of the World Conference in 2001 had special importance since it would be the occasion for carrying out intentions announced at the United Nations. Everyone should fight for a world where the exercise of human rights was not a privilege enjoyed by some to the detriment of others. In that regard, the Ecuadorean delegation welcomed the efforts of the open-ended Working Group to draw up a list of topics that the Conference might address. She also welcomed the contributions to the fund set up to defray certain expenses related to the World Conference and requested those who could to contribute to that fund without at the same time reducing their contribution to the Trust Fund for the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination.

72. **Ms. Boyko** (Ukraine), referring to item 114, said that in order to stem all contemporary forms of racism, racial discrimination and intolerance, priority must be given to such preventive measures as early warning procedures, as the Secretary-General pointed out in his report (A/54/299). Early warning procedures should be set up to prevent conflicts resulting from racial and ethnic tensions, and new approaches must be devised to combat new forms of discrimination. The Commission on Human Rights could play a crucial role in that regard by studying the information supplied and formulating recommendations. With regard to preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Ukrainian delegation supported the idea of creating an Internet site in order to inform the public.

73. No country in the world was safe from manifestations of racism and intolerance, and all bore the responsibility to fight against those phenomena through national legislation and education. The International Convention on the Elimination of All Forms of Racial Discrimination remained a good basis for international cooperation. Ukraine appreciated the work and role of the Committee on the Elimination of Racial Discrimination; and believed that States parties should fulfil their obligations and take the measures recommended by that Committee.

74. Ukraine had established a system of legal guarantees explicitly prohibiting racism and racial discrimination and accorded special importance to the rights of national minorities, which made up one fourth of the country's population and which were protected by a sound set of laws.

75. Turning to item 115, she said that Ukraine regarded the right of peoples to self-determination as an inalienable right of all nations. The realization of that right should nevertheless be based on the fundamental principles and norms of international law and, above all, on the Charter of the United Nations and the Helsinki Final Act, while at the same time taking into consideration national legislation, objective internal and external factors, and the historical context. In that regard, it was necessary to draw a clear distinction between the perception of the right to self-determination held by peoples that had been subjected to colonial domination or occupied by foreign powers and that held by national minorities living in the territories of modern States as a result of natural historical processes. Discussions of that issue in recent years at the United Nations had demonstrated the need to redefine the concept of self-determination. The Declaration on the Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations stressed that the principle of self-determination should not be interpreted as authorizing or encouraging any action that might dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States. It should be clearly stated that the principle of self-determination did not automatically mean the right to territorial secession. A distinction must also be made between the right to territorial secession and territorial separatism. It would be useful to agree on a universal concept of the principle of self-determination that would ensure a fair and flexible solution to possible conflicts of interest with a view to preventing confrontation in inter-ethnic and inter-State relations. Ukraine was ready to join efforts to elaborate a comprehensive procedure for the prevention and settlement of conflicts that might arise in relation to the realization of the right of peoples to self-determination.

76. With reference to the report of the Special Rapporteur on the use of mercenaries (A/54/326), Ukraine, as a State party to the International Convention against the

Recruitment, Use, Financing and Training of Mercenaries, shared the concern expressed therein regarding the persistence of that phenomenon in many regions of the world. Ukraine was disappointed that paragraph 44 of the report mentioned the presence in Angola of Ukrainian mercenaries. It had repeatedly requested proof of the citizenship of those mercenaries, and in the absence of such proof rejected those allegations as groundless. Furthermore, it urged United Nations special rapporteurs to refrain from disseminating unconfirmed information.

77. **Mr. Gotienne** (Congo), referring to the matter of armed bands, mercenaries and petroleum in the Congo, said that the report of the Special Rapporteur on the question of the use of mercenaries contained many false allegations and inaccuracies.

78. The report misleadingly referred to the contingent of Angolan soldiers as mercenaries, whereas in fact that contingent was in the Congo within the framework of the implementation of bilateral agreements. The presence of French and Chadian troops was attributable to the need to restructure the Congolese army. However, the report made no mention of activities that mercenaries from the União Nacional para a Independência Total de Angola (UNITA) and from Eastern European countries were conducting in the Congo, although Security Council records could have been consulted in that regard.

79. Petroleum, exploited alternately by French, Italian, Canadian and United States companies, had not become an "explosive" commodity until the former President, Mr. Lissouba, had foisted the Occidental Petroleum Company on that strategic industry.

80. Armed militias had first appeared in 1965 and 1966, when Mr. Lissouba was Prime Minister, and then again in 1993, when he had become President of the Republic. Those militias had ravaged the Congo, destroying the infrastructure and using the population as human shields. UNICEF documents and testimony gathered by international officials on the violence committed by those militias were revealing. Presenting those militias as heroic, as the Special Rapporteur had done, was surely due more to ignorance of the facts than collusion.

81. It was untrue to state that the Congo was still engaged in fighting. Suffice it to say that, on the United Nations security scale, which had five levels, the security level at Pointe-Noire had been reduced to two, and at Brazzaville to three. The Congo was even once again organizing international events such as a Pan-African Music Festival, which had been held there on 8 August 1999. As the country was beginning a process of recovery, the Government was preparing to resume its dialogue with the opposition, a major condition for setting up the post-conflict programme, which the Congo had undertaken with the Bretton Woods institutions.

82. The tragedy of the Congolese should be considered objectively, so that real cooperation could begin between international organizations and the Congo.

The meeting rose at 1 p.m.